

Amendment No. 1 to SB0039

Tracy
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 39*

House Bill No. 1101

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 15, Part 1, is amended by adding the following new section thereto:

Section 55-15-1__.

(a) A person who violates any law, rule or regulation of the department of safety or federal rules 49 CFR 395.3 and 49 CFR 395.5 governing the maximum hours of driving in this state shall upon conviction be subject to the following:

(1) A first conviction is a Class C misdemeanor punishable by fine only of not less than one hundred twenty-five dollars (\$125) nor more than two hundred fifty dollars (\$250).

(2) A second or subsequent conviction is a Class C misdemeanor punishable by fine only of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

(b) Any person who violates subsection (a) in this state while carrying hazardous materials or while operating a motor vehicle designed to transport more than fifteen (15) passengers, including the driver, is subject to the following:

(1) A first conviction is a Class C misdemeanor punishable by fine only of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

(2) A second or subsequent conviction is a Class C misdemeanor punishable by fine only of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(c) Any person who operates a commercial motor vehicle in this state and fails to properly maintain such driver's record of duty status according to

the Federal Rules 49 CFR 395.8 shall be subject to the following:

(1) A first conviction is a Class C misdemeanor punishable by fine only of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

(2) A second or subsequent conviction is a Class C misdemeanor punishable by fine only of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(d) If a driver of a commercial motor vehicle knowingly misleads or defrauds a law enforcement officer in maintaining such driver's record of duty status according to the federal rule 49 CFR 395.8 it is a Class A misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000).

(e) No inference of a violation of this section shall be made with respect to employees and contractors of publicly owned, cooperatively organized or privately owned utilities who are preparing for, traveling to, engaged in or returning home from work in connection with a bona fide emergency or natural disaster.

(f) Convictions pursuant to this section shall be considered moving violations for the purposes of the department assigning a point value according to the seriousness of the moving traffic violation.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it and shall apply only to offenses occurring on or after such date.